

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MANUEL NIEVES,	§
	§ No. 227, 2011
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 0107022700
Plaintiff Below-	§
Appellee.	§

Submitted: July 6, 2011
Decided: July 15, 2011

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 15th day of July 2011, after careful consideration of appellant's opening brief and the State's motion to affirm, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's order adopting the Commissioner's report dated March 3, 2011. The Superior Court did not err in concluding that appellant's fourth motion for postconviction relief was procedurally barred and that appellant had failed to overcome the procedural hurdles.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice